

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71344

Osborne P. Beall
Carl & Mary Dee
Teachers Quarter LLC
P. O. Box 3
Stevenson, MD 21153

1816 Hillside Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 2, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01, 1B01.1D, failure to cease open dump/junkyard conditions, failure to remove all junk, trash and debris, failure to cease contractor's equipment storage yard on residential property zoned RC 2 known as 1816 Hillside Road, 21093.

On January 24, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$48,600.00 (forty eight thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Carl Beall, Respondent and, Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 20, 2009 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, remove contractor's equipment storage yard, cease service garage activities, illegal home occupation, cease nuisance activity, remove trash and debris, remove accumulations of debris, in side and rear yard of this residential property. This Citation was issued on January 24, 2010. This Hearing was rescheduled due to inclement weather, with written notice to Respondent.

B. Inspector Jeff Radcliffe testified that his initial inspection in November 2009 found untagged vehicles, open dump conditions, junkyard, contractor equipment storage, and service garage activities in this residential yard. He observed plows, cars on jacks, and heavy equipment such as spreaders. Inspector Radcliffe further testified that he re-inspected in early December 2009 and met with Mr. Carl Beall, who is one of the Respondents and a property owner. Mr. Beall told him he had sold a shopping center and had to bring equipment and items home. Inspector Radcliffe further testified that Mr. Beall was working on replacing his deck and had some materials under tarpaulins. He issued this Citation when his re-inspection in late January 2010 found that not much progress had been made except for tagging and repairing the remaining motor vehicle. Re-inspection on February 27, 2010 found everything covered with snow.

C. Respondent Carl Beall testified that the full property is 15 acres, with five houses on it, and that his family has owned the property for many years. He is secretary of the Stevenson Community Association. He has just spent six or seven thousand dollars constructing a storage shed but found out its location may be improper. He will correct all violations but requested time to finish the shed and move remaining items.

D. Photographs in the file show an extensive quantity of equipment, materials, junk and debris in the yard of this residential property. Contractor's equipment, such as a Bobcat loader, cannot be stored outdoors on a residential property. Under Baltimore County Zoning Regulations, a contractor's equipment storage yard is the use of any space, inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage. BCZR

Section 101.1. The zoning regulations do not permit use of residential property for a contractor's equipment storage yard. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations...."); BCZR Section 1B01.1, General use regulations in D.R. Zones; see BCZR Article 2, Schedule of Special Exceptions, 2 Attachment 1:1 (chart showing this use prohibited in all residential zones; use permitted by special exception in B.R. zone, and permitted in M.L. and M.H. zones).

E. Junk and debris visible in the photographs includes old tires, an old hot water heater, lumber, buckets and furniture. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

F. Respondent must clean up this residential property and either remove all impermissible items from the property or store them in a shed or other structure. Because compliance is the goal of code enforcement, the civil penalty will be significantly reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed. Respondents will be subject to additional Citation, and the County will be authorized to remove impermissible items and junk, trash and debris, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by May 5, 2010, with all contractor's equipment, materials, and junk, trash and debris removed from the yard of this residential property.

IT IS FURTHER ORDERED that after May 5, 2010, the County may enter the property for the purpose of removing any impermissible contractor's equipment, materials, junk, trash, or debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1st day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.